

No.

062-2

Office of State Engineer
DOCUMENT FILE

Name: Capt. Sherman
et al

County: Escalante

Date: November 24, 1894

Location: Spring Creek

et al:

Capt. Sherman
Kuppel, Jr.

To whom these presents may concern: Know ye, That we S.L. Caple and H. Reuppel, of the County of Custer in the State of South Dakota, Citizens of the United States, do hereby declare and publish as a legal notice to all the world, that we claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being in the County of Custer in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Spring Creek to the East line of Lot 3 in Section 7 Township 3 South of Range 11 East, Black Hills Meridian, more particularly described as follows: Commencing at a point on the land owned by said Reuppel on said Spring Creek near the NW corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 in Township 3 South of Range 10 East B.H.M. and running thence Northerly through the East half of NE $\frac{1}{4}$ said Section 11, Thence across the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and thence across the SW $\frac{1}{4}$ and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12 Township 3 South of Range 12 East, P.H.M. Thence South East across Lot 2 and upon Lot 3 Section 7 Township 3 South of Range 11 East B.H.M. The lands over and through which said flume and water ditch is to be constructed are owned by the said Reuppel and said Caple above mentioned, and by parties unknown to affiant and in part public domain vacant and unoccupied. We also claim and have a valid right to the enjoyment and use of Five Hundred (500) inches of water from said stream for agricultural and domestic purposes to be conveyed through such flume or water ditch to the said East line of Lot No. 3 South of Range 11 East B.H.M. together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining. Notice posted on the Stream November 24, 1894. Ditch commenced at dam May 1889. Ditch and water first used in June 1891.

Witness our hands and seal this 24th day of November 1894.

Sherman L. Caple a 2/3 Interest. (Seal)
H. Reuppel a 1/3 interest (Seal)

State of South Dakota)
County of Custer) ss

On this 9th day of November 1895, before me the Clerk of the Circuit Court in and for said county in the state aforesaid personally appeared Sherman L. Caple to me personally known to be the person who executed the foregoing written instrument for himself and his co-owner and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Alfred T. Feay

STATE OF SO. DAKOTA, Clerk of Circuit Court in and for Custer County, S. Dak.

COUNTY OF CUSTER }
This instrument of writing was filed
for record on the 9... day of Nov.
A. D. 1895 at 4... o'clock... P.M. and
duly recorded in book... 79... of
... on page... 79...
P. D. Darby
REGISTER DEEDS

79
9 Mac
10
Nov 29 1896
Henry C. Way

Water Location

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above matter. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours, very truly,
 J. H. [Signature]

COPY.

Location Certificate. Water Right by S.L. Caple et al.

To whom these presents may concern: Know ye, That we S.L. Caple and M. Reuppel, of the County of Custer in the State of South Dakota, Citizens of the United States, do hereby declare and publish as a legal notice to all the world that we claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being in the County of Custer in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Spring Creek to the East line of Lot 3 in Section 7 Township 3 South of Range 11 East Black Hills Meridian, more Particularly described as follows; Commencing at a point on the land owned by said Ruppel on said Spring Creek near the NW corner of the NE1/4 of SE1/4 of Section 11 in Township 3 South of Range 10 East B.H.M. and running thence Northerly through the East half of NE1/4 said Section 11, Thence across the NW1/4 and NE1/4 of the NW1/4 and the SE1/4 of the NW1/4 and thence across the SW1/4 and N1/2 of the NE1/4 of Section 12 Township 3 South of Range 12 East, B.H.M. Thence Southeast across Lot 2 and upon Lot 3 Section 7 Township 3 South of Range 11 East B.H.M. The lands over and through which said flume and water ditch is to be constructed are owned by the said Reuppel and said Caple above mentioned, and by parties unknown to affiant and in part public domain vacant and unoccupied. We also claim and have a valid right to the enjoyment and use of Five Hundred(500) inches of water from said stream for agricultural and domestic purposes to be conveyed through such flume or water ditch to the said Eastline of Lot No.3 South of Range 11 East B.H.M. together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining. Notice posted on the Stream November 24, 1894. Ditch commenced at dam May 1899. Ditch and water first used in June 1891.

Witness our hands and seal this 24th day of November 1894.

Sherman L. Caple 2/3 interest (seal)
M. Reuppel a 1/3 interest (Seal)

State of South Dakota } ss.
County of Custer

On this 9th day of November 1895, before me the Clerk of the Circuit Court in and for the said county in the state aforesaid personally appeared Sherman L. Caple to me personally known to be the person who executed the foregoing written instrument for himself and his co-owner and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Alfred T. Feay

Clerk of Circuit Court in and for Custer County, S.D.

(SEAL)

State of South Dakota } ss.
County of Custer

This instrument of writing was filed for record on the 3 day of Nov. A.D. 1895 at 4:45 o'clock P.M. and duly recorded in book 9 of Placers on page 79.
P.D. Darby,
Register of Deeds.

WATER RIGHT

Located by

Sherman L. Caple

W. Reuppol

November 24, 1894.

CUSTER COUNTY.

Spring Creek

State of South Dakota (ss
County of Hughes)

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota, this 30th day of January 1908.

Samuel H. Lea

(seal) State Engineer.